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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,396	07/02/2003	Daniel W. Mauney	1033-T00142-C2	3179
60533	7590	08/01/2006	EXAMINER	
TOLER SCHAFFER, LLP 5000 PLAZA ON THE LAKES SUITE 265 AUSTIN, TX 78746			DOAN, KIET M	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/612,396	Applicant(s) MAUNEY ET AL.	
	Examiner Kiet Doan	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/04/03, 01/03/06, 06/12/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-4, 9-15, 18, 20-21, 24-25 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Schiffer (Patent No. 6,871,063).

Consider **claims 1, 12, 21 and 28**. Schiffer teaches a proximal wireless communication device comprising:

a memory including a plurality of entries identifying a set of wireless network devices, each entry of the plurality of entries associated with a wireless network device of the set of wireless network devices and including a unique device identification number (Abstract, CC2, L24-30, C4, L10-31, Fig.1 Illustrate the mobile phone 100 contain SIM 101 which read on memory and communicated in Bluetooth/short range 103 with computer system 110 which read on wireless network device and mobile phone transmit access code to computer system means as entry of the plurality of entries associated with wireless network device); and

wireless communication circuitry configured to transmit a find signal to determine whether the wireless network device associated with a selected entry of the plurality of entries is within range to establish a handset-to-handset communication (C4, L24-56

teach access code transmit from mobile phone (read as entry of the plurality of entries associated) to computer system and when the computer verify/determine then grants user access to computer system which means as establish a handset-to-handset communication).

Consider **claims 2**. Schiffer teaches the proximal wireless communication device of claim 1, wherein the wireless communication circuitry is configured to receive a response signal indicating that the wireless network device associated with the selected entry including is within range to establish a handset-to-handset communication (C4, L24-56)

Consider **claim 3**. Schiffer teaches the proximal wireless communication device of claim 2, wherein the memory further includes a record indicating a found status associated with a unique device identification number included in the response signal (C2, L39-53, C4, L24-38, Fig.1 Illustrate mobile phone contain short range circuit means as proximal wireless communication device and SIM 101 as memory includes a record indicating a found status).

Consider **claim 4**. Schiffer teaches the proximal wireless communication device of claim 1, wherein the wireless communication circuitry is configured to transmit a list of the set of wireless network devices to the particular wireless network device associated with the selected entry (C4, L24-28).

Consider **claims 9 and 18**. Schiffer teaches the proximal wireless communication device of claim 1, wherein at least one of the plurality of entries is manually entered by a user (C3, L34-35, C4, L5-9, Fig.1, Illustrate keypad which for manually entered by a user).

Consider **claim 10**. Schiffer teaches the proximal wireless communication device of claim 1, wherein at least one of the plurality of entries is acquired via a link to a computational device (C2, L5-10 teach transmitting information via wireless link).

Consider **claim 11**. Schiffer teaches the proximal wireless communication device of claim 1, wherein at least one of the plurality of entries is acquired via a transmission from the wireless communication device (C2, L5-14 teach transmission information from mobile phone wherein contain at least one of the plurality of entries)

Consider **claim 13**. Schiffer teaches the method of claim 12, further comprising: initiating a communication with the wireless communication device (C3, L56-67, C4, L1-9)

Consider **claims 14 and 24**. Schiffer teaches the method of claim 13, wherein the communication comprises a voice communication (C2, L55-57, C3, L35-37 teach mobile phone can be perform voice communication).

Consider **claims 15 and 25**. Schiffer teaches the method of claim 13, wherein the communication comprises a short range message communication (C3, L56-63)

Consider **claim 20**. Schiffer teaches the method of claim 12, wherein the plurality of authorized wireless communication devices are authorized by a service provider for direct wireless communication (C3, L25-35 teach authorized to the mobile phone means as authorized by a service provider for direct wireless communication).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8, 16-17, 19, 22-23 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiffer (Patent No. 6,871,063) in view of Jonsson et al. (Pub. No. 2003/0036350).

Consider **claim 5**. Schiffer teaches the limitation of claim as discuss above **but silent on** the proximal wireless communication device of claim 1, wherein the wireless communication circuitry is configured to issue a page message including the unique identification number associated with the selected entry.

In an analogous art, Jonsson teaches “ Method and apparatus for selective service access”. Further, **Jonsson teaches** the proximal wireless communication

device of claim 1, wherein the wireless communication circuitry is configured to issue a page message including the unique identification number associated with the selected entry (Paragraphs [0029-0030], Fig.5, Illustrate establish a connection in short range sending page message).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Schiffer and Jonsson system, such that the wireless communication circuitry is configured to issue a page message to provide means for the users have variety of identification number associated to select entry.

Consider **claim 6**. Jonsson teaches the proximal wireless communication device of claim 5, wherein the wireless communication circuitry is configured to receive a page response including the unique identification number associated with the selected entry; and wherein the wireless communication circuitry is configured to establish a voice communication transmission associated with the unique identification number (Paragraphs 0042], [0047])

Consider **claim 7**. Jonsson teaches the proximal wireless communication device of claim 5, wherein the wireless communication circuitry is configured to issue a page message including a second unique identification number associated with a second selected entry in the plurality of entries (Paragraph [0032])

Consider **claim 8**. Jonsson teaches the proximal wireless communication device of claim 7, wherein the wireless communication circuitry is configured to receive a page response including the second unique identification number associated with the second selected entry; and wherein the wireless communication circuitry is configured to establish a voice communication transmission associated with the second unique identification number (Paragraphs [0027-0028], [0037], [0047]).

Consider **claim 16**. Jonsson teaches the method of claim 13, wherein the communication comprises a list of identified wireless communication devices (Paragraph [0007]).

Consider **claims 17 and 26**. Jonsson teaches the method of claim 16, wherein the list of identified wireless communication devices is incorporated into the plurality of entries (Paragraphs [0007], [0022-0024]).

Consider **claims 19 and 27**. Jonsson teaches the method of claim 12, wherein the response message is received on a registry channel (Paragraph [0027-0028] teach channel access code means as message is received on a registry channel).

Consider **claim 22**. Jonsson teaches the method of claim 21, further comprising: providing notification of the call request (Paragraphs [0030-0031], [0043]).


Consider **claim 23**. Jonsson teaches The method of claim 21, further comprising: negotiating a direct connection channel with the second wireless communication device; and initiating a communication with the second wireless communication device over the direct connection channel (Paragraphs [0032-0035]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


GEORGE ENG
SUPERVISORY PATENT EXAMINER